

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

BRITTNEY MAY SIMMS,
Plaintiff,

v.

DEGGELLER ATTRACTIONS, INC.,
Defendant/Third-Party Plaintiff,

v.

GEORGE R. ROSEBERRY,
Third-Party Defendant.

GEORGE P. ROSENBERRY,
Plaintiff/Counter-Defendant,

v.

DEGGELLER ATTRACTIONS, INC.,
Defendant/Counter-Plaintiff.

SAMATHA GOAD, a minor, by Jennifer
Goad, her mother and next friend,
Plaintiff,

v.

DEGGELLER ATTRACTIONS, INC.,
Defendant/Third-Party Plaintiff,

v.

GEORGE R. ROSEBERRY,
Third-Party Defendant.

Case Nos. 7:12-cv-00038
7:12-cv-00039
7:12-cv-00161

ORDER

By: James C. Turk
Senior United States District Judge

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

JAN 02 2013

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

For the reasons set forth in the Memorandum Opinion entered this day, it is hereby

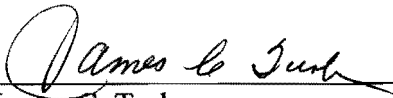
ADJUDGED and ORDERED

Disqualify Plaintiffs' Counsel, Roseberry's Motion for Summary Judgment on the Counterclaim or Third-Party Claims, and Roseberry's Motion to Dismiss the Counterclaim or Third-Party Claim Due to Spoliation of Evidence) are hereby **DENIED**:

1. Case No. 7:12cv38, ECF Nos. 34, 38, 40;
2. Case No. 7:12cv39, ECF Nos. 36, 40, 42; and
3. Case No. 7:12cv161, ECF Nos. 26, 30, 32.

The Clerk is directed to send copies of this Final Order and accompanying Memorandum Opinion to all counsel of record.

ENTER: This 2nd day of January 2013.


James C. Turk
Senior United States District Judge